IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 3849 of 2004(G)

PETITIONER:

MAHALAKSHMI FUELS, REPRESENTED BY
P.RAMACHANDRAN, MANAGING PARTNER, ELOOR,
UDYOGAMANDAL, ERNAKULAM DISTRICT

BY ADV. SRI.BEPIN VIJAYAN

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SECTION, ELOOR, ERNAKULAM

3. THE ASSISTANT ENGINEER, ELECTRICAL
SECTION, ELOOR, ERNAKULAM.

4. RUSSELL, SUB ENGINEER,
ELECTRICAL SECTION, ELOOR, ERNAKULAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF ORDER NO.DB30/03-04/165 DTD.11.11.2003 ISSUED BY THE THIRD RESPONDENT.

EXT.P2 TRUE COPY OF PENAL BILL DTD.11.11.2003.

EXT.P3 TRUE COPY OF THE ELECTRICITY BILL DTD.23.6.2000.

EXT.P3A TRUE COPY OF THE ELECTRICITY BILL DTD.28.8.2000.

EXT.P3B TRUE COPY OF THE ELECTRICITY BILL DTD28.10.2000.

EXT.P3C TRUE COPY OF THE ELECTRICITY BILL DTD23.12.2000.

EXT.P3D TRUE COPY OF THE ELECTRICITY BILL DTD 26.4.2001.

EXT.P3E TRUE COPY OF THE ELECTRICITY BILL DTD 26.6.2001.

EXT.P3F TRUE COPY OF THE ELECTRICITY BILL DTD 25.8.2001.

EXT.P3G TRUE COPY OF THE ELECTRICITY BILL DTD 27.10.2001.

EXT.P3H TRUE COPY OF THE ELECTRICITY BILL DTD 27.12.2001.

EXT.P3I TRUE COPY OF THE ELECTRICITY BILL DTD 27.2.2002.

EXT.P3J TRUE COPY OF THE ELECTRICITY BILL DTD 24.4.2003.

EXT.P3K TRUE COPY OF THE ELECTRICITY BILL DTD 24.6.2003.

EXT.P3L TRUE COPY OF THE ELECTRICITY BILL DTD 26.8.2003.

EXT.P3M TRUE COPY OF THE ELECTRICITY BILL DTD 23.10.2003.

EXT.P4 TRUE COPY OF APPEAL DTD.13.11.2003 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P5 TRUE COPY OF JUDGMENT DTD.14.11.2003 IN W.P.(C) 36060/2003.

EXT.P6 TRUE COPY OF RECEIPT DTD.11.12.2003.

EXT.P7 TRUE COPY OF BILL AND RECEIPT DTD.22.12.2003 FOR CONSUMER NO.1067.

EXT.P8 TRUE COPY OF ORDER NO.WP(C)36060/APPEAL/2003-2004/ KLSY/216 DTD.20.1.2004.

EXT.P9 TRUE COPY OF INTIMATION LETTER NO.DB15/03-04/224 DTD.28.1.2004.

TRUE COPY

P.A.TO JUDGE

C.N.RAMACHANDRAN NAIR,J

W.P.(C) NO.3849 of 2004

Dated this the 6th day of July, 2007

JUDGMENT

The petitioner is challenging Ext.P2 penal bill and Ext.P8 order on Ext.P4 appeal. Based on the information inspection was carried out in the petitioner's premises which is a fuel cum service station. The inspecting officers of the KSEB noticed that only 1/3rd of actual consumption is recorded in the meter. Therefore the penal bill was raised which got confirmed in appeal.

2. Counsel for the petitioner contended that the findings in the penal bill are not correct. However, Counsel for the KSEB referred to paragraph-6 of the counter affidavit and contended that the penal bill was raised based on the actual consumption recorded in one phase for January 2004. I find estimation for consumption during the period when the metre was not recording is made based on the actual consumption of electricity found after replacement of the metre.

3. The estimation is based on proper norms. However having regard to the circumstances, the respondents are directed to reduce the penal charges from three times to 1 ½ times. Revised bill should be raised immediately on production of this judgment.

4. The writ petition is disposed of as above. Whatever payments made by the petitioner should be adjusted and the balance will be recovered.

C.N.RAMACHANDRAN NAIR,
JUDGE

CSS